DEPARTMENT OF VETERANS AFFAIRS INSPECTOR GENERAL WASHINGTON DC 20420

. April 21, 2011

The Honorable Arthur A. Elkins, Jr., Inspector General Environmental Protection Agency 1200 Pennsylvania Ave., NW Mail Code: 2410T Washington, D.C. 20460-0001

Dear Mr. Elkins,

In accordance with our Memorandum of Agreement (MOA) signed in October 2010, my staff, on behalf of the Environmental Protection Agency (EPA), Office of Inspector General (OIG), has completed an investigation of the allegations described in a memorandum written to you by EPA OIG.

dated September 2010. The official "Report of Internal Investigation" detailing the results of the inquiry is enclosed.

A provision of the MOA states that this report and its exhibits shall become the property of the EPA OIG and the investigative file, including all working papers, notes, and other supporting documentation and material shall remain the property of the Department of Veterans Affairs (VA), Office of Inspector General (OIG). However, should your staff need access to the investigative file, or require any additional assistance, please don't hesitate contacting.

Respectfully,

George J. Opfer Inspector General

Department of Veterans Affairs

Enclosure



DEPARTMENT OF VETERANS AFFAIRS

Office of Inspector General Office of Investigations Washington DC 20420

REPORT OF INTERNAL INVESTIGATION

February 23, 2011 File: 51X-2010-004

Approved: By: ASAC

Status: Completed
Distribution: EPA OIG

Threat

SYNOPSIS:

On September 30, 2010, EPA OIG requested the Department of Veterans Affairs (VA) OIG, Criminal Investigations Division, to conduct an investigation of EPA for allegedly making a threat

This investigation did not substantiate the allegation. No victim was identified or came forward during this investigation.

On February 16, 2011, Assistant United States Attorney (AUSA)

declined prosecution of the alleged

STANDARDS:

18 USC Section 111: Assaulting, Resisting, or Impeding Certain Officers or Employees. "Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of the assault or the intent to commit another felony, be fined under the title or imprisoned not more than 8 years, or both."

18 USC 844(e): Penalties for Unlawful Acts. "Whoever, through the use of the mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned for not more than 10 years or fined under this title, or both."

Title 5 Code of Federal Regulations 735.203: Conduct Prejudicial to the Government. "An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

29 USC 654: Duties of Employers and Employees. "Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; shall comply with occupational safety and health standards promulgated under this chapter."Civil and criminal penalties for violations of 29 USC 654 are listed under 29 USC 666, and vary from fines to imprisonment.

Occupational Safety: According to the National Institute for Occupational Safety and Health, workplace violence is defined as "violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty." It would appear the current allegation, if substantiated, would meet the definition of workplace violence.

As mandated in the *Occupational Safety and Health Act of 1970*, in addition to compliance with hazard-specific standards, all employers have a general duty to provide employees a workplace free from identified/recognized hazards likely to cause serious physical harm or death.

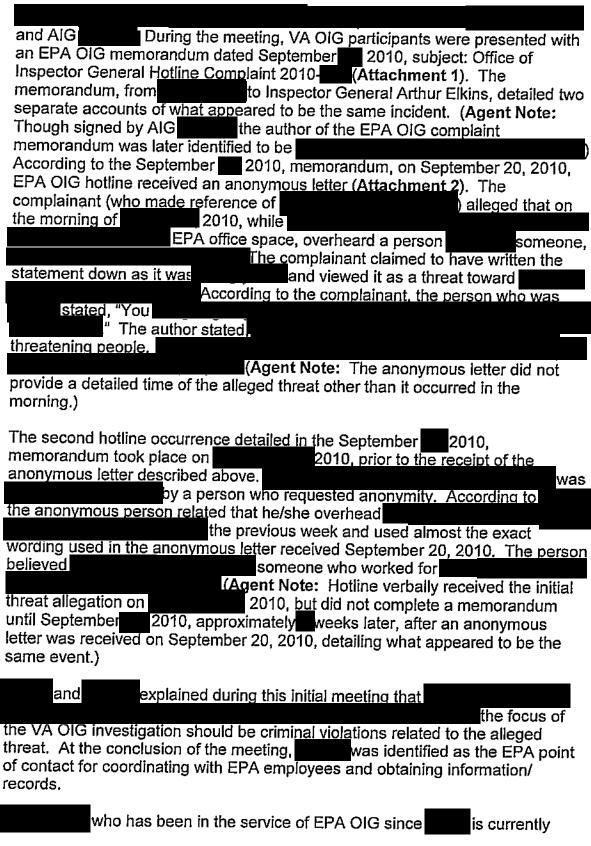
DETAILS:

On September 30, 2010. EPA OIG Assistant Inspector General for Investigations (AIGI) requested assistance investigating an EPA OIG hotline complaint received against an EPA OIG employee. VA OIG was requested to conduct the investigation because the subject of the EPA OIG complaint is within the EPA OIG.	
On October 4, 2010, AIGI Special Agent	

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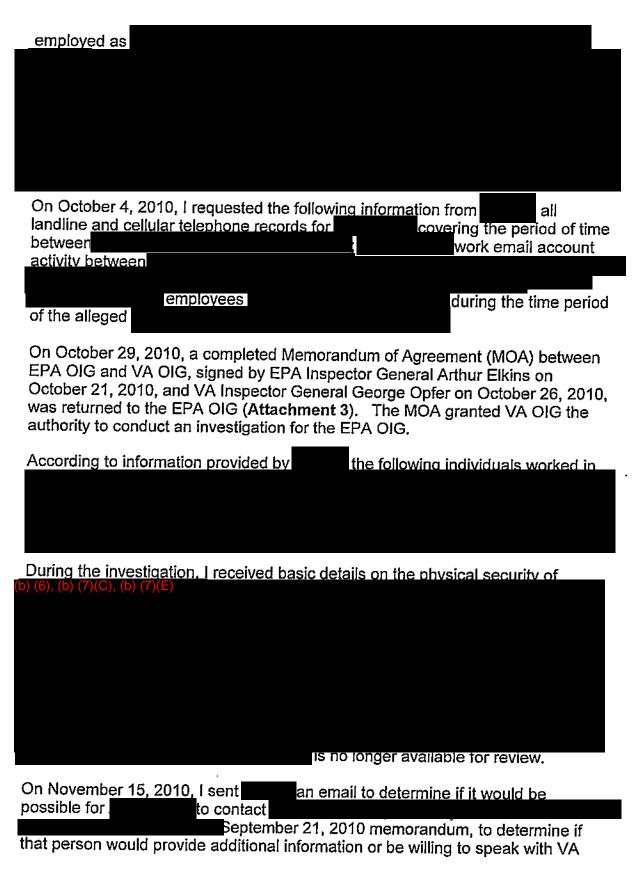
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and I met with the following EPA OIG employees:



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OIG investigators.

On November 19, 2010, I received an email from (Attachment 4). The email stated. "Please contact It also listed individuals who could affirm the allegation as well as
On November 2010, I contacted author of the original EPA OIG complaint memorandum dated September 2010. The memorandum was sent through to FPA Inspector General Arthur Elkins
conjunction with this investigation also stated the anonymous letter received on September 20, 2010, was received in a plain envelope postmarked The envelope had no other identifying information.
On November 2010, Assistant Special Agent in Charge (ASAC) and I interviewed EPA OIG (Attachment 5). Prior to the interview, investigation.
stated that never reported nor had vritten a letter or contacted hotline or knew of anyone who has done so. (Agent the anonymous complainant on the

remen	mbered hearing a	conversation alleged threatening	
conversation took of minutes. notes reflected that have said was talking about	place at approximately it was a long, heater said, "You're " but was not s	9:30 am and lasted 5 to 10 d conversation. could sure. instead of	
knowledge, no o	one filed a complaint wi		
to about the	conversation shortly a	talked toafter it occurred. Accordin around the	g

would contact me.

Trails of Hist	
	as the issues appeared unrelated
to the alleged threat.	
<u> </u>	
The landline telephone records (incoming ar	nd outgoing) for work
telephone extension.	tained and reviewed (Attachment 6
and 7). The dates and times for the telepho	ne calls were verified as accurate by
	All calls
made on 2010, were reviewed.	At 8:30 am. an outgoing call was
made to telephone numbe	that lasted 12
seconds. A second call to the same number	was made at 8:49 am, which lasted
6 seconds. (Agent Note: On January 20	11, I called telephone number
An individual named answ	vered the telephone. Interviews and
reviews of email account indica	
from a blocked number. The call leasted 42 m	am, an incoming call was received
trom a blocked number. The call lasted 13 n	illutes and 24 seconds. According
(b) (7)(F)	the alleged threat took place
at approximately 9:30 am and the conversati	the alleged threat took place
According to the telephone record, the call e	nded at 9:36 am approximately 5
	n, an incoming call was received
from telephone number	The call lasted for 18
minutes and 12 seconds. Internet research i	ndicates this number belongs to a
cellular telephone. At 10:44 am, a 1 minute:	and 36 second telephone call was
made to telephone number	Internet research
associates telephone number	with the EPA Office of Inspector
General. (Agent Note: On January 2011	, I called telephone number
The call went unanswered and ro	lled over to the voice mail for
Through interviews and email resea	
) No add	litional calls were made or received
from desk telephone until after	1:00 pm of that day.
On January 5, 2011, the gall records for	
On January 5, 2011, the call records for were received from	cellular phone,
made/received 8 calls on	(Attachment 8).
telephone number	A call was logged to/from at 7:09 am which
lasted 9 minutes. The next logged call, to	telephone number
was made at 2:34 pm.	telephone number
On November 2010, ASAC and I in	tervi <u>ewed EPA OIG</u>
(Attachmer	ıt 9).

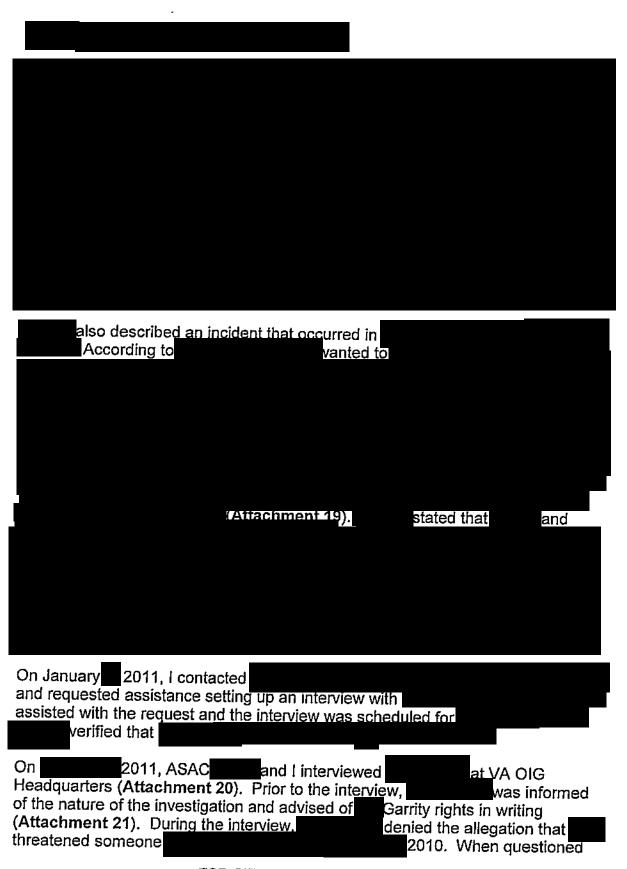
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did not hear the alleged	
When I initially contacted to schedule the interview.	
On December 2010, ASAC and I interviewed EPA OIG (Attachment 12). Works in	
saying, "I'm going to could not elaborate on the statement as	
issues. stated that had a conversation with in relation to overhearing talking about someone and was unable to remember exactly how phrased what	
has not heard threaten anyone, nor has threatened Furthermore, had no firsthand knowledge of participating in any megai activities or committing any serious ethical or administrative violations.	
hreatened Furthermore, had no firsthand knowledge of	

the interview provided the	believed may have t Note: VA OIG investigators had not previously bee checked schedule and verified that was wo 2010. e employee seating arrangements on a diagram of the	After rking
being the recipient of the	2011, employees who were interviewed via telephone. The alleged threatim as received in the complaint. All individuals denue alleged threat, personally hearing the alleged threat nation concerning the alleged threat. Those who wereat,	ev eat ied at or
None of the emails revie However, there was one on Septemb	od of time between 2010, and All emails on an of 2010, were reviewed. A string text seing all variations of the words: threat and 2010, were reviewed appeared to be related to the alleged threat.	nd earch
telephone to determine t	the origin of September 2010, email to nembered the circumstances that led	
(b) (7)(E), (b) (7)(C), (b) (6)	provided the	

names Note:)t
ne alleged threat.) said the had no additional information concern the questioned email.	nîng
On December 2010, attempted to contact me via voicemail and stating "some new substantial information (Attachment 14)." In response, I contacted via telephone. stated that to see if anything criminal "stuck of commented that "not much did." stated that by happenstance, was having coffee with a coworker on the morning of described by as working for EPA for years, allegated that	ut." , while gedly
via facsimile (Attach	ment
A subsequent email to for additional information concerning the incident went unanswered.	
that the threat was not made to but that may have some information concerning who received the threat would call back late the day with additional information. At approximately 4:58 pm, I received a from stated that would not know who allegedly	EPA stated n r in
threatened threat. provided contact information for	

telephone and read the alleged threat. stated that was not the recipient.)
On 2010, I contacted via telephone. I explained to that VA OIG was conducting an investigation on behalf of the EPA OIG concerning an alleged threat made by The alleged threat was read to verbatim as received in the complaint.



who had stated that only used work ce	now anyone
for 2010, when returned to the office to determine if working on that date. Near the conclusion of the interview, "This didn't happen maintained a polite and respectful demeanor throughout the interview.	stated.
with an individual named concern estimated that would have left office betwee 10:00 am to allow time for appointment. (Agent Note: Telephone records from	l a meeting ing n 9:00 and prior to the
Between January 2011, I contacted	
alleged threat was read to them verbatim as received in the complaindividuals stated that they did not receive the alleged threat. I was	at. The int. All unable to
contact	
On 2011, I contacted via telephone. working for the EPA for is currently The alleged threat was read to verbatim as received to the stated that the alleged threat did not sound family	has been EPA ved in the iar to
commented that as individuals who may have received the alleged t stated	hreat.

or the allegation through	aware or possibly from conversations would be contacted by the VA OIG
(Attachment 15).	
On February 2011, I contacted alleged threat was read to restated that was not the	via telephone. The rbatim as received in the complaint. The recipient of the alleged threat
On2011, I contacted telephone. The alleged threat was complaint. alleged threat. relayed that the	via s read to verbatim as received in the stated that was not the recipient of the alleged threat was most likely made towards reported that
alleged threat. (Agent Note: previously col	may have received the

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additional information on the allowed throat \
additional information on the alleged threat.)
On February 2011, contacted via telephone to determine if they were the recipient of the alleged
threat. The alleged threat was read to them verbatim as received in
the complaint. All individuals stated that they did not receive the alleged threat.
On February 16, 2010, I contacted AUSA
and briefed on the allegation and details of the investigation. AUSA declined prosecution (5)
(b) (5)
On February 16, 2010, this investigation was closed as unsubstantiated
FINDINGS:
with years of EPA OIG service who is alleged to have threatened someone,
2010, by stating "You" " At the time
At the time
This investigation did not substantiate the purported threatening statement. In
This investigation did not substantiate the purported threatening statement. In fact, only
This investigation did not substantiate the purported threatening statement. In fact, only
This investigation did not substantiate the purported threatening statement. In fact, only knowledge of the alleged incident. It
knowledge of the alleged incident. It
emphatically denied making the threat and no evidence was uncovered to support the allegation. Additionally, the notified of the threat on
making the threat and no evidence was uncovered to support the allegation. Additionally, the notified of the threat on 2010, but did not complete a complaint memorandum until September 2010, after an anonymous letter identifying what appeared to be
making the threat and no evidence was uncovered to support the allegation. Additionally, the notified of the threat on 2010, but did not complete a complaint memorandum until September 2010, after an anonymous letter identifying what appeared to be the same threat was received. To this point, no person has come forward
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this summary is provided to EPA OIG management officials during the investigation and to take, it necessary, any action they deem appropriate. **ATTACHMENTS:** 1. Memorandum, EPA OIG Hotline Complaint 2010-September 2010 2. Anonymous letter to EPA OIG Hotline, undated 3. Memorandum of Agreement 4. Email from EPA OIG received November 2010 Interview, EPA OIG conducted November 2010 6. Telephone records, office landline ext. incoming, covering period of time between 2010. to 2010 7. Telephone records, office landline ext. outgoing, covering period of time between 2010, to 2010 Cellular telephone records, covering period of time between 2010, and 2010 Interview, EPA OIG conducted November 2010 10. Email from EPA OIG lated November 11. Scan of email communication between dated 2010 12. Interview, EPA OIG conducted December

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13.	Email from EPA September 2010			dated	4	
14.	Email from EPA OIG December 2010			d	ated	
15.			undated			
16.	EPA					
17.						
18.	Memorandum from					to
19.	Letter					
20.	Interview, co	nducted	201	1		
21.	Garrity Warnings,	signe	d	2011		